

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 64

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2104, IDAHO CODE, TO PROVIDE AN EXCEPTION TO LICENSURE FOR CERTAIN VETERINARIANS WITH AN ACTIVE LICENSE IN GOOD STANDING FROM ANOTHER STATE FOR THE PRACTICE OF VETERINARY MEDICINE ON ANIMALS IN A COLLECTION OF A PUBLICLY OWNED ZOO, TO PROVIDE CONDITIONS AND TO PROVIDE A TIME LIMIT FOR THE EXEMPTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2104, Idaho Code, be, and the same is hereby amended to read as follows:

54-2104. LICENSE A PREREQUISITE TO PRACTICE -- EXCEPTIONS. (1) No person may practice veterinary medicine in the state who is not an actively licensed veterinarian or the holder of a valid temporary permit issued by the board.

(2) This chapter shall not be construed to prohibit:

(a) A veterinarian employed by the federal, state or local government from performing his official duties specifically required under any lawful act or statute, except that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities.

(b) A person who is a regular student currently enrolled and in good standing in an accredited or approved school of veterinary medicine, veterinary science department or an educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of education or the United States department of education from performing duties or actions assigned by his instructors, or from working under the direct supervision of an actively licensed veterinarian during a school vacation period. The unsupervised or unauthorized practice of veterinary medicine by a student, even though on the premises of an accredited or approved school of veterinary medicine, veterinary science department, an educational institution accredited by a national or regional accrediting agency recognized by the Idaho state board of education or the United States department of education or at a veterinary medical facility, is prohibited.

(c) A person who is a regular student currently enrolled and in good standing in a nonaccredited or nonapproved educational institution, that holds a valid certificate of registration issued by the Idaho state board of education, from performing duties or actions assigned by his instructors. This exemption does not include surgery or the administration of controlled substances or legend/prescription drugs, unless specifically allowed by state or federal law, rule or regulation. The unsupervised or unauthorized personal practice of veterinary medicine

1 by a student on the premises of a nonaccredited or nonapproved educa-  
2 tional institution is prohibited.

3 (d) Idaho extension personnel from performing their official duties.

4 (e) A veterinarian holding a current, active license, in good standing,  
5 in another state, from consulting with a licensed veterinarian in this  
6 state.

7 (f) Any merchant or manufacturer from selling nonprescription and non-  
8 controlled medicines, biologics, feed, medicated feed, appliances or  
9 other products for the prevention or treatment of animal and poultry  
10 diseases. Such merchants or manufacturers shall not, either directly  
11 or indirectly, attempt to diagnose a symptom or disease in order to ad-  
12 vise treatment, use of drugs, medicines, appliances or products.

13 (g) A farmer, rancher or feedlot operator, including custom ranch or  
14 feedlot operators, and their regular employees, from caring for and  
15 treating animals within their possession or control, when such animals  
16 have been consigned by their legal owner and except where the ownership  
17 or possession of the animal was transferred or the employment changed to  
18 circumvent this chapter.

19 (h) The owner of an animal or his regular employees from caring for  
20 and treating the animals belonging to such owner, or livestock owners  
21 or regular employees pregnancy testing their own or employer's cattle  
22 or the exchange of services for which no monetary compensation is paid  
23 between owners or their regular employees, except where the ownership  
24 or possession of the animal was transferred or the employment changed  
25 to circumvent this chapter, and provided that only an actively licensed  
26 veterinarian may immunize or treat an animal for diseases which require  
27 the use of a vaccine that is restricted by state or federal law, rules or  
28 regulations, or as otherwise provided by board rule. Notwithstanding  
29 the provisions of this paragraph, a veterinarian/client/patient rela-  
30 tionship, as defined by rules, must exist when controlled substances or  
31 legend/prescription drugs are administered, distributed, dispensed or  
32 prescribed.

33 (i) A member of a faculty of an accredited or approved school of veteri-  
34 nary medicine, a veterinary science department, or an educational in-  
35 stitution accredited by a national or regional accrediting agency rec-  
36 ognized by the Idaho state board of education or the United States de-  
37 partment of education, from performing his regular functions. The un-  
38 supervised or unauthorized personal practice of veterinary medicine,  
39 by a faculty member on the premises of any of the above institutions, is  
40 prohibited.

41 (j) Any person from selling or applying any pesticide, insecticide, or  
42 herbicide.

43 (k) A person lecturing or giving instructions or demonstrations at an  
44 accredited or approved school of veterinary medicine, veterinary sci-  
45 ence department or an educational institution accredited or approved by  
46 a national or regional accrediting agency recognized by the Idaho state  
47 board of education or the United States department of education, or in  
48 connection with an approved continuing education course or seminar.

49 (l) A member of a faculty of a nonaccredited or nonapproved educational  
50 institution, who holds a valid certificate of registration issued by

1 the Idaho state board of education, from performing his regular func-  
2 tions. This exemption does not include surgery or the administration  
3 of controlled substances or legend/prescription drugs, unless specif-  
4 ically allowed by state or federal law, rule or regulation. The unsu-  
5 pervised or unauthorized personal practice of veterinary medicine by a  
6 faculty member on the premises of a nonaccredited or nonapproved educa-  
7 tional institution is prohibited.

8 (m) Individuals employed as instructors or researchers by, or enrolled  
9 as students in, any bona fide medical research institution from con-  
10 ducting experiments and scientific research on animals:

11 (i) In the development of pharmaceuticals, biologicals, serums  
12 for treating human or animal ailments; or

13 (ii) In the development of methods of treatment or techniques for  
14 the diagnosis or treatment of human or animal ailments; or

15 (iii) When engaged in the study and development of methods and  
16 techniques directly or indirectly applicable to the practice of  
17 veterinary medicine, so long as such research is conducted in  
18 compliance with applicable state and federal laws, rules and regu-  
19 lations.

20 (n) Any person from performing artificial insemination of domestic an-  
21 imals as governed by chapter 8, title 25, Idaho Code.

22 (o) Any person from horseshoeing or hoof trimming bovine, equine and  
23 farm animals.

24 (p) An allied health professional actively licensed and in good stand-  
25 ing in any state from participating in a medical procedure involving  
26 an animal, provided that such participation is in his licensed field  
27 of medicine and under the indirect supervision of an actively licensed  
28 veterinarian.

29 (q) Any person from the gratuitous treatment of animals in an emergency  
30 as a neighborly act.

31 (r) Any state or federal livestock inspector from performing his of-  
32 ficial duties specifically required under any lawful act or statute,  
33 and provided that this exemption shall not apply to such persons not  
34 actively engaged in performing or fulfilling their official duties and  
35 responsibilities.

36 (s) A certified euthanasia agency from operating as a CEA as defined by  
37 law and rules.

38 (t) A certified euthanasia technician from performing those duties as  
39 defined by law and rules.

40 (u) Any person from utilizing cotton swabs, gauze, dental floss, denti-  
41 frice or toothbrushes to clean an animal's teeth.

42 (v) A certified veterinary technician from practicing veterinary tech-  
43 nology under appropriate supervision, as defined by the rules of the  
44 board.

45 (w) An assistant or veterinary technician from performing acts per-  
46 taining to the practice of veterinary medicine under appropriate super-  
47 vision, as defined by the rules of the board.

48 (x) The personal representative, executor or sole surviving heir of a  
49 licensed veterinarian from continuing to operate the veterinary med-  
50 ical practice of the deceased for a period of not more than three (3)

1 years following death. This exception only applies where during such  
2 three (3) year period:

3 (i) Good faith efforts are being made to sell the veterinary medi-  
4 cal practice; and

5 (ii) All the decisions pertaining to the diagnosis, care and  
6 treatment of the patients are made by an actively licensed veteri-  
7 narian.

8 (y) A veterinarian with an active license in good standing from another  
9 state from practicing veterinary medicine on animals in the collection  
10 of a publicly owned zoo that is either licensed by the United States  
11 department of agriculture (USDA) as an exhibitor or is accredited by  
12 the association of zoos and aquariums (AZA), but only when the Idaho  
13 licensed veterinarian who regularly attends to these animals is un-  
14 available or unqualified to render the services required. This exemp-  
15 tion from licensure only applies after the out-of-state veterinarian  
16 notifies the board in writing: (1) where he will be practicing in Idaho;  
17 and (2) the expected duration of the practice. After the out-of-state  
18 veterinarian completes his services under this section, he must so no-  
19 tify the board in writing of that fact. Unless expressly extended by  
20 the board in its sound discretion, an exemption under this section is  
21 limited to a period of one (1) year from the initial notification date.

22 (3) Nothing in this section shall be construed as limiting the board's  
23 authority to provide other exemptions or exceptions to the requirements for  
24 licensing, under its rulemaking authority, as the board may find necessary  
25 or appropriate.